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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
FRANK PIPERS
Serial No.: 09/867,285
Filed: May 29, 2001
For: METHODS...PERFORMANCE

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Group: 1614
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600 Third Avenue
New York N.Y. 10016
April 3, 2002

INFORMATION DISCLOSURE STATEMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

To comply with Rule 56, Applicant is submitting herewith a copy of the international search report issued in the PCT application corresponding to the above-identified application as well as copies of the cited art and PTO Form-1449.

The '038 Merck reference was published after Applicant's priority date and discloses a paste for humans or animals useful for the treatment of peptic ulcer diseases and is not a valid reference for the present application. The '213 Merck reference deals with the treatment of peptic ulcer diseases. The Papich Mark is an early article summarizing knowledge about the use of omeprazole and ulcer therapy and has no mention of the prevention of ulcers.

The Melnichouk reference relates to an experiment wherein fasting pigs are submitted to a seven day treatment with 30 mg. of lansoprazole and fasting is known to induce gastric ulcers in pigs.

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U.S. Patent & Trademark Office
Washington, D.C. 20503

April 3 2002
D. Nakonec

The assay fails to show any significant difference between the treated pigs and the controls. The author has indicated that there is no way of knowing whether the dose of 30 mg. daily was sufficient to inhibit gastric acid secretion. The authors indicate that further research is needed. This is merely an unsuccessful experiment.


The FDA Federal Registration citation states that NADA filed by Merial discloses the use of omeprazole for the treatment and prevention of the recurrence of gastric ulcers in horses and foals. The prevention of gastric ulcers is new with regard to the prevention of the recurrence of gastric ulcers which previously developed ulcers and is said to have some kind of gastric ulcer disease. This reference was discussed in the specification as filed.

The Smith reference discloses an assay of administering omeprazole to South American camelids. It shows that omeprazole produces a significant and prolonged decrease in acid secretion after parenteral administration. Oral administration did not produce a significant decline and there is no teaching whether this administration could be useful in the prevention of gastric ulcers.

In summary, none of the references teach Applicant's invention as there is no direct suggestion that the compounds disclosed therein could be used to treat gastric ulcers. The state of the

art recognizes that it was known to treat existing gastric ulcers to prevent recurrence of gastric ulcers in horses and to decrease gastric acidity in animals. These teachings would not lead one skilled in the art to use such proton pump inhibitors to prevent gastric ulcers. Therefore, there is no teaching of Applicant's invention.

Respectfully submitted,
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CAM:ds
Enclosures